

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:18-CR-00036-1-BCW
	)	
SHAWN BURKHALTER,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Magistrate Judge Counts' Report and Recommendation (Doc. #1354) denying Defendant Burkhalter's motion to suppress DNA evidence obtained from buccal swabs on October 2, 2015 (Doc. #1153). On July 26, 2022, the Government responded to Defendant's suppression motion (Doc. #1172) and on August 9, 2022 Defendant filed his reply (Doc. #1186).

On September 29, 2022, Judge Counts held an evidentiary hearing. (Doc. #1263). During the hearing, the Government called Jeremy Riddle and Scott Gillespie as witnesses. Both Riddle and Gillespie were employed by the Raytown Police Department at the time relevant to the issues raised in the subject motion. Defendant called no witnesses to testify.

Magistrate Judge Counts issued the Report and Recommendation on February 14, 2023. (Doc. #1354). Defendant did not object to the Report and Recommendation and the time to do so has passed. After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Counts' findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #1354), Defendant's motion to suppress DNA evidence (Doc. #1153) is DENIED. It is further

ORDERED that Magistrate Judge Counts' Report and Recommendation (Doc. #1354) be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: March 27, 2023

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT